ORDINANCE NO. 851219-P

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN LIMITED PURPOSE BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY FOR THE LIMITED PURPOSES OF "PLANNING AND ZONING", SUCH TERRITORY CONSISTING OF APPROXIMATELY 17.43 SQUARE MILES OF LAND IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that notice of two public hearings for the annexation of the territory described below was published in a newspaper of general circulation in the City of Austin and in the area to be annexed on October 6, 1985; and,

WHEREAS, the two public hearings concerning this proposed annexation were held on October 17 and 24, 1985, at the time and place specified in the published notice described above and that the public hearings were concluded after providing all interested persons an opportunity to be heard; and,

WHEREAS, the City Council finds that no public hearing in the area proposed to be annexed is required because written protest in accordance with the provisions of applicable state law was not received by the City Clerk; and,

WHEREAS, the management of development and growth in and nearby the City of Austin is of vital importance to the health, welfare, and public safety of the current and future residents of the City of Austin; and,

WHEREAS, the City of Austin may assert jurisdiction under its ordinances only in areas annexed to the City or included within its extraterritorial jurisdiction; and,

WHEREAS, the City Council is of the opinion that annexation of the territory described below will serve the interests of the current and future residents of the City of Austin.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That the land and territory lying adjacent to and adjoining the City of Austin totalling approximately 17.43 square miles of land as more fully described in Exhibit "A", which is attached hereto and made a part hereof, is hereby added and annexed to the City of Austin for the limited purpose of "Planning and Zoning" pursuant to Article I, Section 7 of the Charter of the City of Austin. The territory described in Exhibit "A" shall be known as "Limited Purpose Territory" and the boundary limits of the limited purpose territory shall be known as the "Limited Purpose Boundary Limits".

<u>PART 2.</u> That as to the limited purpose territory annexed by PART 1 hereof, and in dealing with the property and inhabitants thereof, the City shall have each and every power which it otherwise possesses and

which is reasonable and expedient for the accomplishment of the limited purpose of Planning and Zoning as follows: the City shall have the power without limitation to control and regulate the use of property and the density of structures, to require compliance with reasonable zoning regulations, to control and regulate the subdivision of property, and to control and regulate the construction of buildings. Every inhabitant of territory annexed for said limited purposes, who is otherwise qualified, shall be entitled to vote in City elections on every issue where the question is the election or recall of a City Councilmember or the amendment of the City Charter, and every such inhabitant shall be deemed to be a citizen of the City in connection with any City ordinance, regulation, or action which is, or is alleged to be, applicable to him or her or his or her property because of such limited purpose annexation, but will not be eligible to run for any office in the City of Austin. The City shall have no power to levy any tax for municipal purposes on either the property or the inhabitants of territory annexed for limited purposes, and no funds of the City shall be spent in such territory except where reasonable and expedient for the accomplishment of the limited purposes for which the territory is annexed; but the City may collect reasonable charges from property owners and inhabitants of such territory for services rendered by the City in the accomplishment of the limited purposes for which the territory is annexed.

PART 3. Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no wise affect, impair or invalidate the remaining portion or portions of this ordinance, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Austin, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of such area, and the City Council hereby declares it to be its purpose to annex to the City of Austin every part of the area described in PART 1 of this ordinance, regardless of whether any other part of such described area is hereby effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in PART 1 of this ordinance to be hereby annexed to the City of Austin any lands or area which are presently part of and included within the limits of the City of Austin, or which are presently part of and included within the limits of any other city, or which are not otherwise within the City of Austin's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be hereby annexed as fully as if such excluded and excepted area were expressly described herein.

PART 4. The rule requiring the reading of an ordinance on three separate days is hereby suspended and this Ordinance shall become effective ten (10) days following the date of its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

<u>December 19</u>, 1985

Mayor

APPROVED:

City Attorney

ATTEST: Januel James E. Aldridge

City Clerk

AFM/saf

C7a-85-034
Tract II
Area to be Annexed
For Limited Purposes
(17.43 square miles
of land out of
the James Jett Survey No. 1
the W. B. Royal Survey No. 75,
the R. L. Preece Survey No. 50
the James Cole Survey No. 542,
the B. Payne Survey No. 288
and other surveys in Travis
County, Texas)
(Platted and unplatted land)

EXHIBIT "A"

FIELD NOTES

FIELD NOTES FOR 17.43 SQUARE MILES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES JETT SURVEY NO. 1, THE W. B. ROYAL SURVEY NO. 75, THE R. L. PREECE SURVEY NO. 2, THE JOHN JACKSON SURVEY NO. 50, THE JAMES COLE SURVEY NO. 542, THE B. PAYNE SURVEY NO. 288 AND OTHER SURVEYS IN TRAVIS COUNTY, TEXAS, WHICH 17.43 SQUARE MILES OF LAND (NOT INCLUDING RIVER PLACE MUNICIPAL UTILITY DISTRICT) ARE TO BE TAKEN INTO AND MADE A PART OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, FOR THE LIMITED PURPOSES OF "PLANNING AND ZONING" AND WHICH 17.43 SQUARE MILES OF LAND ARE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the present limited purpose corporate limit line of the City of Austin as adopted by ordinance dated May 3, 1984, same being the most northerly corner of the herein described tract of land, and which point of beginning is the intersection of a line five-hundred (500.00) feet south or southeast of and parallel to the centerline of Farm-to-Market Road 620 with a line five-hundred (500.00) feet south or southwest of and parallel to the centerline of Farm-to-Market Road 2222;

THENCE, with said present limited purpose corporate limit line of the City of Austin as adopted by ordinance dated May 3, 1984, same being said line five-hundred (500.00) feet south or southwest of and parallel to the centerline of Farm-to-Market Road 2222 in a southeasterly direction to the northeast corner of the herein described tract of land, same being a point in the east line of City Park Road, which line is the present limited purpose corporate limit line of the City of Austin as adopted by ordinance dated July 1, 1982;

THENCE, with said present limited purpose corporate limit line of the City of Austin as adopted by ordinance dated July 1, 1982, in a southerly direction to a point in the present limited purpose corporate limit line of the City of Austin as adopted by ordinance dated May 6, 1982, same being a point in a line five-hundred (500.00) feet west or northwest of and parallel to the 504.9 foot contour line;

THENCE, with said present limited purpose corporate limit line of the City of Austin as adopted by ordinance dated May 6, 1982, in a southerly and westerly direction to a point in the present full purpose corporate limit line of the City of Austin as adopted by ordinance dated October 16, 1941;

THENCE, with said present full purpose corporate limit line of the City of Austin as adopted by ordinance dated October 16, 1941 in a northerly, easterly, northerly, westerly, southerly, and westerly direction to a point in said present limited purpose corporate limit line of the City of Austin as adopted by ordinance dated May 6, 1982;

THENCE, with said present limited purpose corporate limit line of the City of Austin as adopted by ordinance dated May 6, 1982, in a westerly and northerly direction to the northwest corner of the herein described tract of land, same being a point in the present corporate limit line of the City of Austin as adopted by ordinance dated November 15, 1984, which line is a line five-hundred (500.00) feet south of and parallel to the aforesaid centerline of Farm-to-Market Road 620;

THENCE, with said present limited purpose corporate limit line of the City of Austin as adopted by ordinance dated November 15, 1984 and the aforesaid ordinance dated May 3, 1984, in an easterly direction to the point of beginning.

SAVE AND EXCEPT River Place Municipal Utility District created May 22, 1985, from the above described tract of land.

FIELD NOTES: Al Martinez 7/8/85

APPROVED:

REVISED:

Al Martinez 11/13/85

Marvin Shelton, R. P. S. Chief Surveyor Department of Public Works

References F 999 (K) & (L) Austin Grids WZ-28 Austin Grids A-28 thru 32 Austin Grids B-29 thru 32 Austin Grids C-30 thru 33 Austin Grids D-30 thru 33 Austin Grids E-28 thru 32 Austin Grids F-30 & 31

MARVIN SHELTON

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annex 620rl THREE

SERVICE PLAN

City of Austin municipal services, if any, which are currently being provided to the limited purpose territory shall continue to be provided at a comparable level. No additional or increased services are planned for the limited purpose territory. (See Art. I, Sec. 7 of the Charter of the City of Austin and Art. 970a, Sec. 10.C. V.A.C.S.).